

Appl. No. 10/787,342
Docket No. AA615M
Amdt. dated February 4, 2009
Reply to Office Action mailed on September 4, 2008
Customer No. 27752

REMARKS

Claim Status

Claims 2-4 and 11 are pending in the present application. No additional claims fee is believed to be due.

Claims 1, 4-10 and 12 have been previously cancelled.

Rejection Under 35 USC §103(a) Over US 6,114,298 (Petri et al.)

Claims 2-4, 9, 11-12 have been rejected under 35 USC §103(a) as being unpatentable over US 6,114,298 (Petri et al.). Specifically, Col. 16, lines 23-44 of Petri et al. is cited for discussing a spray dispenser, preferably a trigger spray dispenser or in a pump spray dispenser, and may include manually operated foam trigger-type dispensers. In response to Applicants' previous arguments of October 16, 2007, the Office Action asserted that Petri et al. teaches manually operated foam trigger-type dispensers which, at least, comprises a sprayer, which it concludes reads on Applicants' claims. Applicants traverse the present rejection based upon the following comments.

In determining the differences between the prior art and the claims, the question under 35 U.S.C. §103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. Distilling an invention down to the "gist" or "thrust" of an invention disregards the requirement of analyzing the subject matter "as a whole." *See MPEP* at § 2141.02. The present rejection ignores material limitations relating the the dispenser. Specifically, there is no teaching or suggestion in Petri et al. of a sprayer which injects or imparts air from the atmosphere into the dishwashing composition. Applicants direct attention to the specification at page 5, lines 29-35 for background on the function of imparting gas to the composition for the purpose of forming foam. Based on the forgoing, Applicants request that the rejection under 35 U.S.C. §103(a) over Petri et al. be withdrawn.

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Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested. Applicants' attorney invites the Examiner to contact her with any questions she may have regarding the above referenced case.

Respectfully submitted,

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